

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-14-11

WHEREAS, **DOWNTOWN DADELAND RETAIL, LLC.** applied to Community Zoning Appeals Board 12 for the following:

- (1) Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage per tenant; to permit additional cantilever projecting signs per street frontage and to permit the cantilever projecting signs with an area of 55.75 sq. ft. (8 sq. ft. maximum permitted).
- (2) Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted).
- (3) Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum height permitted).
- (4) Applicant is requesting to permit directional signs with logos (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Downtown Dadeland," as prepared by Architecture + Design, consisting of 10 sheets, dated stamped received 7/9/10. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "A," DOWNTOWN DADELAND, Plat book 161, Page 76.

LOCATION: Lying south of S.W. 88 Street, between S.W. 72 Court and S.W. 72 Place, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requests to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage per tenant; to permit additional cantilever projecting signs per street frontage and to permit the cantilever projecting signs with an area of 55.75 sq. ft. (Item #1), to permit cantilever projecting signs

to encroach into the right-of-way (Item #2), to permit directional signs with a height varying from 10'2" to 13' (Item #3), and to permit directional signs with logos (Item #4) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and said application was denied without prejudice by Resolution No. CZAB12-5-11, and

WHEREAS, DOWNTOWN DADELAND RETAIL, LLC. appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

- (1) Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage, per tenant; to permit additional cantilever projecting signs (1 permitted) per street frontage, per tenant and to permit the cantilever projecting signs with an area of 55.67 square feet (8 square feet maximum permitted).
- (2) Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted).
- (3) Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum permitted).
- (4) Applicant is requesting to permit directional signs with logos (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Downtown Dadeland" as prepared by Architecture Design, consisting of 10 sheets dated stamped received 7/9/10. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract A DOWNTOWN DADELAND, Plat Book 161, Page 76.

LOCATION: Lying South of S.W. 88 Street, between S.W. 72 Court & S.W. 72 Place, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and it was noted that the applicant had previously submitted revised plans within the scope of the advertisement entitled,

"Downtown Dadeland," as prepared by Architecture + Design, consisting of 13 sheets, dated stamped received 10/19/11", and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were sufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. 12 and that the appeal should be approved and that the decision of Community Zoning Appeals Board 12 should be overruled, and that the requests to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage, per tenant; to permit additional cantilever projecting signs per street frontage, per tenant and to permit the cantilever projecting signs with an area of 55.67 square feet (Item #1), to permit cantilever projecting signs to encroach into the right-of-way (Item #2), to permit directional signs with a height varying from 10'2" to 13' (Item #3), and to permit directional signs with logos (Item #4) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

WHEREAS, a motion to grant the appeal, to overrule the decision of Community Zoning Appeals Board 12, and to approve Items #1 through #4 was offered by Commissioner Xavier L. Suarez, seconded by Commissioner Sally A. Heyman, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Barbara J. Jordan	aye
Lynda Bell	aye	Jean Monestime	aye
Esteban Bovo, Jr.	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	aye	Rebecca Sosa	aye
Audrey M. Edmonson	aye	Sen. Javier D. Souto	aye
Sally A. Heyman	aye	Xavier L. Suarez	aye

Joe A. Martinez aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby granted and the decision of Community Zoning Appeals Board 12 is overruled.

BE IT FURTHER RESOLVED that the requests to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage, per tenant; to permit additional cantilever projecting signs per street frontage, per tenant and to permit the cantilever projecting signs with an area of 55.67 square feet (Item #1), to permit cantilever projecting signs to encroach into the right-of-way (Item #2), to permit directional signs with a height varying from 10'2" to 13' (Item #3), and to permit directional signs with logos (Item #4) be and the same is hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Permitting, Environment, and Regulatory Affairs upon the submittal of an application for a building permit and/ or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, signs, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Downtown Dadeland," as prepared by Architecture + Design, consisting of 13 sheets, dated stamped received 10/19/11".
3. That all the lights with signage be turned off at 11:00 PM daily.
4. That the use be established and maintained in accordance with the approved plan.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-5-11 is hereby null and void.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 20th day of October, 2011, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 10-11-C12-3
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida
CHRISTOPHER AGRIPPA
By _____
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 2ND DAY OF NOVEMBER, 2011.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-14-11 adopted by said Board of County Commissioners at its meeting held on the 20th day of October, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 2nd day of November, 2011.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Permitting, Environment,
and Regulatory Affairs

SEAL





miamidade.gov

Permitting, Environment and Regulatory Affairs Department

☐ Miami-Dade Permitting and Inspection Center (MDPIC)
11805 SW 26th Street
Miami, Florida 33175
T 786-315-2332

☒ **Downtown Office**
111 NW 1 Street, 11th Floor
Miami, Florida 33128
T 305-375-2800

November 2, 2011

Downtown Dadeland Retail, LLC.
c/o Ben Fernandez
200 S. Biscayne Boulevard, Suite 850
Miami, Florida 33184

Re: Hearing No. 10-11-C12-3
 Location: Lying South of S.W. 88 Street, between
 S.W. 72 Court & S.W. 72 Place,
 Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-14-11, adopted by the by the Board of County Commissioners which granted your appeal, overruled the decision of Community Zoning Appeals Board 12, and approved Items #1, #2, #3, and #4 on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department as appropriate. At time of permit application you must provide a copy of this resolution.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, in as much as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **November 2, 2011**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

R. A. Cuevas, Jr.,
County Attorney
111 N.W. 1st Street, Suite 2811
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure